

United States Bankruptcy Court
Middle District of Tennessee

CDS Business Services, Inc., d/b/a Newtek,
Plaintiff

Adv. Proc. No. 20-90140-RSM

America Cares Trust (ACT),
Defendant

CERTIFICATE OF NOTICE

District/off: 0650-3

User: bmp2450
Form ID: pdf001

Page 1 of 1
Total Noticed: 4

Date Rcvd: Sep 18, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 20, 2020.

dft +America Cares Trust (ACT), 5655 Granny White Pike, Brentwood, TN 37027-4101
+DAN FLEMING, 821 ALEXANDER ROAD SUITE 200, PRINCETON, NJ 08540-6352
+DAVID HOUSTON, BURR & FORMAN LLP, 222 SECOND AVENUE SOUTH SUITE 2000,
NASHVILLE, TN 37201-2385
+SAM MCALLESTER, BONE MCALLESTER NORTON PLLC, 511 UNION STREET SUITE 1600,
NASHVILLE, TN 37219-1780

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 20, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 18, 2020 at the address(es) listed below:

DANIEL HAYS PURYEAR on behalf of Plaintiff CDS Business Services, Inc., d/b/a Newtek Business
Credit dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com
MEGAN REED SELIBER on behalf of U.S. Trustee US TRUSTEE megan.seliber@usdoj.gov
US TRUSTEE ustpreion08.na.ecf@usdoj.gov

TOTAL: 3



Dated: 9/18/2020

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	Case No. 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	
)	Chapter 11
Debtor.)	
)	
)	
CDS BUSINESS SERVICES, INC. d/b/a)	
NEWTEK BUSINESS CREDIT.)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	
)	3:20-ap-90140
AMERICA CARES TRUST d/b/a)	
CARENATION)	
)	
Defendant.)	

AGREED ORDER GRANTING EXPEDITED MOTION FOR PRELIMINARY INJUNCTION

Upon consideration of the Expedited Motion filed by CDS Business Services, Inc. d/b/a Newtek Business Credit ("CDS") for a Preliminary Injunction [DE 4] (the "Motion") as well as that certain Supplemental Brief ("Supplemental Brief") [DE 10] filed by CDS in Support of the Motion [DE 10] ; and the court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. §157(b)(2); and the Court having found that CDS provided due and sufficient notice of the Motion and Supplemental Brief and the relief sought in the Motion; and the Court having found that the relief requested in the Motion and Supplemental Brief is warranted and that it was

expressed at the hearing on this matter there is in fact no opposition to the relief sought by CareNation or any other interested party, all of whom appeared through counsel at the hearing, it is therefore hereby

ORDERED as follows:

America Cares Trust (ACT), d/b/a CareNation, its agents (specifically including, but not limited to, Michael Gaw), and any party acting in concert with CareNation, are enjoined, pending further order of this court, from accessing, depositing into, withdrawing from, viewing, using, transferring into or out of, encumbering, or preventing access of Debtor Capstone Pediatrics, PLLC (“Debtor”) to any of Debtor’s DIP Accounts used or opened at any time in this case including, but not limited to, those certain Bank of America accounts in the name of Debtor bearing account numbers XXXXXXXX837, XXXXXXXX7579 and XXXXXXXX239. In addition, and immediately upon entry of this Order, Michael Gaw of CareNation shall ensure that all checks to any of Debtor’s DIP Accounts are immediately turned over to Jim Davis, Chief Restructuring officer for Debtor, at such location as Davis may direct to CareNation and/or Gaw.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE.
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SUBMITTED FOR ENTRY:

/s/ Dan Puryear

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Counsel for CDS Business Services, Inc. d/b/a Newtek Business Credit

/s/ David Houston

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Counsel for Capstone Pediatrics, PLLC

/s/ Dan Fleming

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Counsel for Bank of America, NA

/s/ Sam McAllester

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Counsel for America Cares Trust d/b/a CareNation

/s/ Megan Seliber

Megan Seliber, #
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Nashville, TN 37203
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615-736-2260 (fax)
megan.seliber@usdoj.com

United States Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically on September 18, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Dan Puryear

Daniel H. Puryear